

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

MDL NO. 3:16-MD-02738
JUDGE FREDA L. WOLFSON
MAG. JUDGE LOIS H. GOODMAN

**THIS RELATES TO DOC ID 14906,
CASES INCLUDED ON EXHIBIT A
TO DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' COMPLAINT
PURSUANT TO 41B:**

**Deidre Winkler OBO Margaret Sullivan
v. Johnson & Johnson et al.
Case No. 3:18-cv-16103**

**RESPONSE TO DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' COMPLAINT PURSUANT TO 41B**

Plaintiff, Deidre Winkler, through undersigned counsel, respectfully appears to oppose the dismissal of her case for failure to comply with the Court's Orders. Plaintiff is cited by Defendants as having a materially deficient PPF. The Order, Doc 14749, advised that she had failed to cure the item 8 question, "Family members diagnosed with Genetic Mutations?" This was answered on September 21, 2020 in an amended PPF. Counsel can aver that Ms. Winkler has always provided what information she had to her Counsel, albeit her late mother is the ovarian cancer victim, and her information is limited.

And so, on its face, Plaintiff has complied with the stated deficiencies. However, Plaintiff notes that physician information, although not noted in the order as a deficiency, is lacking. This date Plaintiff received and loaded the core medical records of the late Ms.

Sullivan's diagnosis with serous adenocarcinoma, records requested and denied by the provider in a prior medical request. These Texas records (Plaintiff is from Louisiana) have been uploaded, and the physicians identified. Ms. Winkler depends upon the records to provide that information.

While Plaintiff did in fact submit the information that was required by the order, with the addition of the additional cancer injury medical records there is now a comprehensive response. Plaintiff apologizes for not noticing that there was information NOT listed in the Deficiencies section of the Order that is useful, but the very day the record was obtained on the portal it was uploaded and the information on the PPF amended.

Plaintiff respectfully requests that her case not be dismissed, as she personally has complied with all requests made to her. She prays that her substantial compliance allows her to continue her case until its ultimate resolution.

Submitted October 19, 2020

/s/ Richard L. Root

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the attached document was served upon each attorney
of record through the Court's Electronic Court Filing System.

Submitted October 19, 2020

/s/ Richard L. Root